

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY ALAN POLAND,

Plaintiff,

v.

PIERCE COUNTY COUNCIL, et al.,

Defendants.

C23-5536 TSZ SKV

ORDER

On July 25, 2023, the Honorable Theresa L. Fricke, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) suggesting that this matter be dismissed without prejudice because plaintiff failed to perfect his application to proceed *in forma pauperis* (“IFP”). The service copy of the R&R was mailed to plaintiff at the Pierce County Jail. Shortly before the R&R was issued, however, plaintiff pleaded guilty to amended charges and was released pending sentencing. See Pierce County Superior Court Case No. 22-1-00433-1. Plaintiff was sentenced on August 25, 2023, and is now incarcerated at Washington Corrections Center in Shelton. Having taken judicial notice of the Pierce County Superior Court docket and Washington Department of Corrections (“DOC”) records, which are available online, the Court is not persuaded that plaintiff received the R&R or has had an opportunity to object to it or correct the deficiencies of his IFP application.

1 After plaintiff was remanded to DOC custody, this case was transferred to the
2 undersigned district court and reassigned to the Honorable S. Kate Vaughan, United
3 States Magistrate Judge, as related to a number of other cases involving similar
4 complaints about conditions at the Pierce County Jail. Given the procedural posture of
5 this and the other actions, the Court hereby ORDERS:

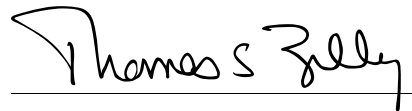
6 (1) The Report and Recommendation, docket no. 3, is REJECTED;

7 (2) This case is CONSOLIDATED with Davey a/k/a Wolfclan v. Washington
8 State Department of Social and Health Services, et al., Case No. C23-5399 TSZ SKV;
9 and

10 (3) The Clerk is DIRECTED to CLOSE this case and to send a copy of this
11 Order to plaintiff (DOC No. 860716), at Washington Corrections Center, P.O. Box 900,
12 Shelton, WA 98584, to the Hon. Theresa L. Fricke, and to the Hon. S. Kate Vaughan.

13 IT IS SO ORDERED.

14 Dated this 29th day of September, 2023.

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17 Thomas S. Zilly
18 United States District Judge
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